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SOAH CONSOLIDATED DOCKET NO. 473-19-1265

PUC CONSOLIDATED DOCKET NO. 48785

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JOINT APPLICATION OF ONCOR
ELECTRIC DELIVERY COMPANY
LLC, AEP TEXAS INC., AND LCRA
TRANSMISSION SERVICES
CORPORATION TO AMEND THEIR
CERTIFICATES OF CONVENIENCE
AND NECESSITY FOR 345-KV
TRANSMISSION LINES IN PECOS,
REEVES, AND WARD COUNTIES,
TEXAS (SAND LAKE TO SOLSTICE
AND BAKERSFIELD TO SOLSTICE)

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BEFORE THE STATE OFFICE

FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**PRE-FILED DIRECT TESTIMONY OF MARGARET CZAR ON BEHALF OF
INTERVENOR PETTUS CZAR, LTD.**

Intervenor agrees and stipulates that all parties may treat this Pre-filed Direct Testimony as though it were filed under oath.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served and filed in the records of Docket 48785, on this 9th day of January 2019, in compliance with the PUC Procedural Rule 22.74 and the applicable Orders in the above-captioning proceedings.



Soledad M. Valenciano

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1 **I. INTRODUCTION.**

2 **PLEASE STATE YOUR NAME FOR THE RECORD.**

3 My name is Margaret Czar.

4 **HAVE YOU EVER TESTIFIED IN A COMMISSION PROCEEDING?**

5 No.

6 **ON WHOSE BEHALF ARE YOU TESTIFYING?**

7 I am testifying on behalf of Pettus Czar, Ltd.

8 **IS PETTUS CZAR, LTD., AN INTERVENOR IN THESE PROCEEDINGS?**

9 Yes.

10 **ARE YOU FAMILIAR WITH INTERVENOR MMSMITHFIELD FAMILY**

11 **LIMITED PARTNERSHIP, LTD.?**

12 Yes, my sister Molly McComb Smithfield, will be providing testimony on behalf of

13 Intervenor MMSmithfield Family Limited Partnership, Ltd. ("MMSmithfield").

14 **WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

15 I am addressing LCRA/AEP's application to build an electric transmission line in

16 Pecos County. The purpose of my testimony is to address the impact that the

17 proposed electric transmission line would have on my property; to voice my strong

18 **opposition** to the selection of **Segments M1, J1, K1 and D3** as well as **Routes 10,**

19 **12-16, 19, 21, 22 and 25**, each which would directly and materially affect my

20 property; to adopt the direct testimony of Dr. Mark Turnbough, PhD; to address

21 certain applicable routing factors; and to otherwise show how I believe Proposed

22 Route 24 meets or exceeds the applicable routing factors.

DO YOU HAVE EXHIBITS THAT YOU WOULD LIKE ADMITTED AND INCLUDED AS EXHIBITS TO YOUR TESTIMONY?

Yes, they are included within this written testimony, and are either maps and/or photographs available in the public domain and/or in the materials provided in the Application. They are true and correct copies of such documents and are accurate representations of my property and/or portions of the study area.

II. IMPACT TO INTERVENOR'S PROPERTY.

PLEASE TELL THE COMMISSIONERS ABOUT THE HISTORY OF YOUR PROPERTY.

MMSmithfield and Pettus Czar, Ltd. jointly own roughly 25,000 acres in Pecos County known as the Winfield Ranch. Winfield Ranch is named after my beloved late grandfather and former Texas State Senator, H.L. Winfield. My family's commitment to Winfield Ranch is evident when one considers that the Winfield Ranch has been under continuous ownership by our family for nearly 100 years.

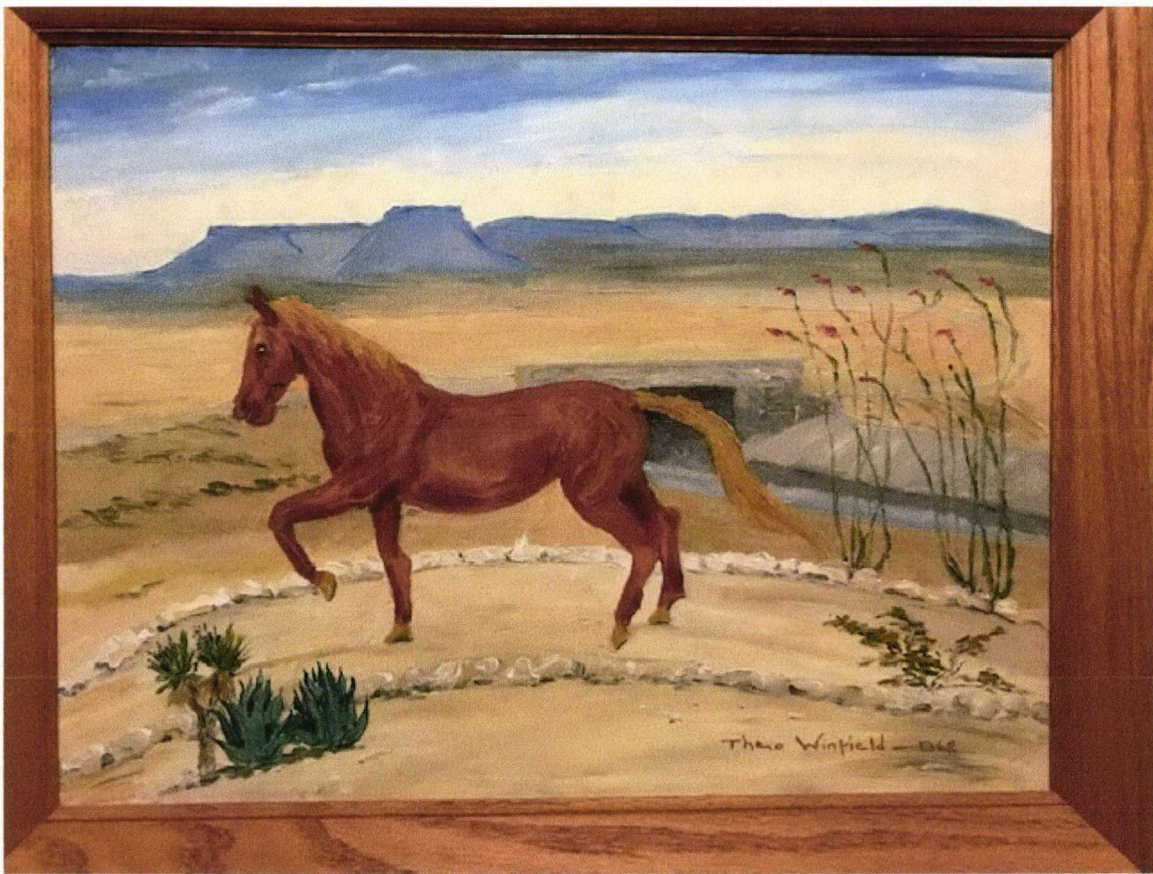
PLEASE DESCRIBE WINFIELD RANCH.

Winfield Ranch is a pristine West Texas Ranch. It is one of the largest, if not the largest, ranches located near Fort Stockton. It has unspoiled, panoramic views for miles, including of such notable landmarks as Five Mile Mesa. My grandparents and parents, and now my sister and I, have made conscious decisions over the years to not allow development on the property that would permanently alter its open space nature. In particular, we have made sure to not take any actions that would ever impact the scenic vistas enjoyed on Winfield Ranch.

1 In addition to having beautiful views and vast open space, Winfield Ranch is
2 the home to several ancient caves that contain University of Texas-confirmed Native
3 American pictographs and petroglyphs. Fossils and Native American artifacts are
4 prevalent throughout the property.

5 We do not permit hunting on Winfield Ranch, and we cautiously ward
6 against overgrazing, two restrictions that enhance and preserve the property's
7 vegetation and diverse habitat.

8 My family also enjoys great memories of this Ranch. For example, below I
9 share a picture that my grandmother Theo Winfield painted in 1962. You can see
10 she included with Five Mile Mesa prominently in the background.

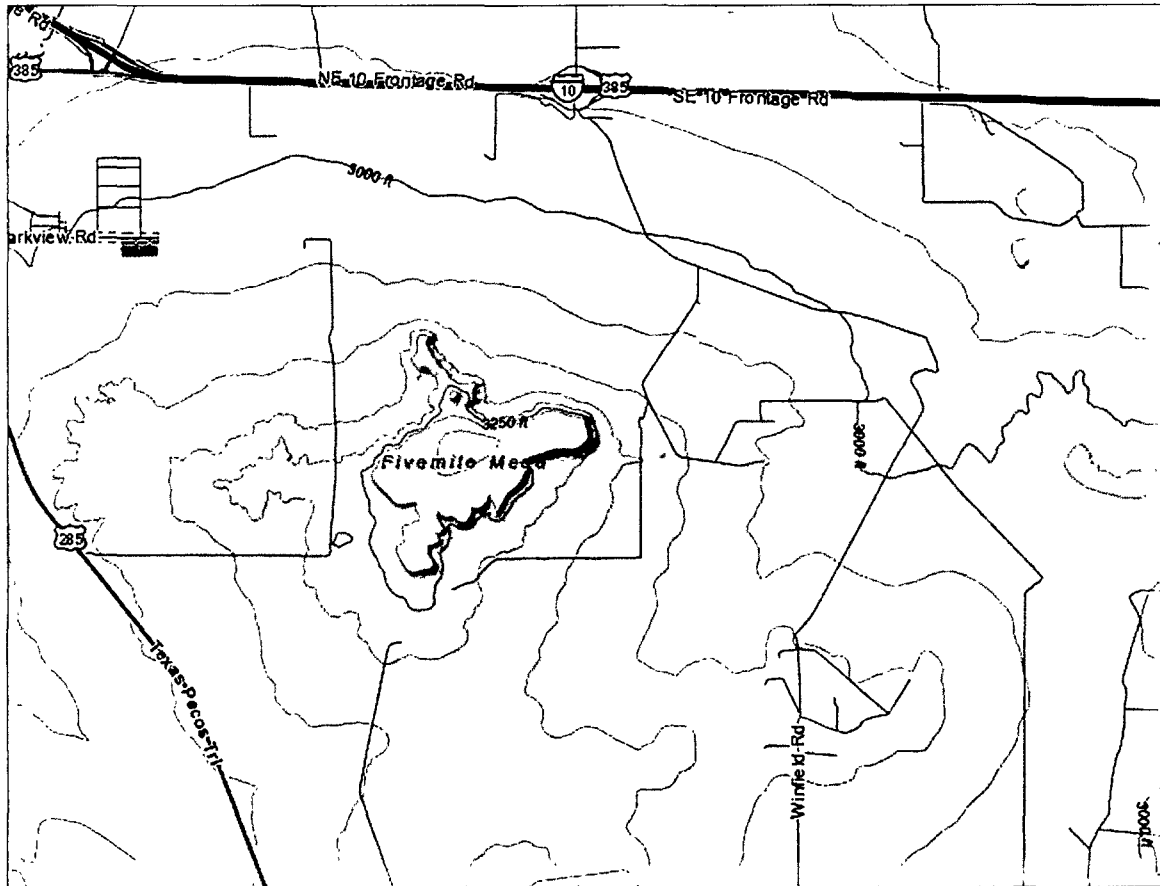


Winfield Ranch is as loved by us as it is beautiful, and due to continuous stewardship over these great many years, Winfield Ranch maintains a presence reminiscent of a much earlier time in Texas. Setting foot on Winfield Ranch feels like what I imagine West Texas was like in the 1800s. And, Winfield Ranch's beauty extends beyond daylight, as it enjoys expansive night skies.

To say that it is a very special place to Molly and me is an understatement.

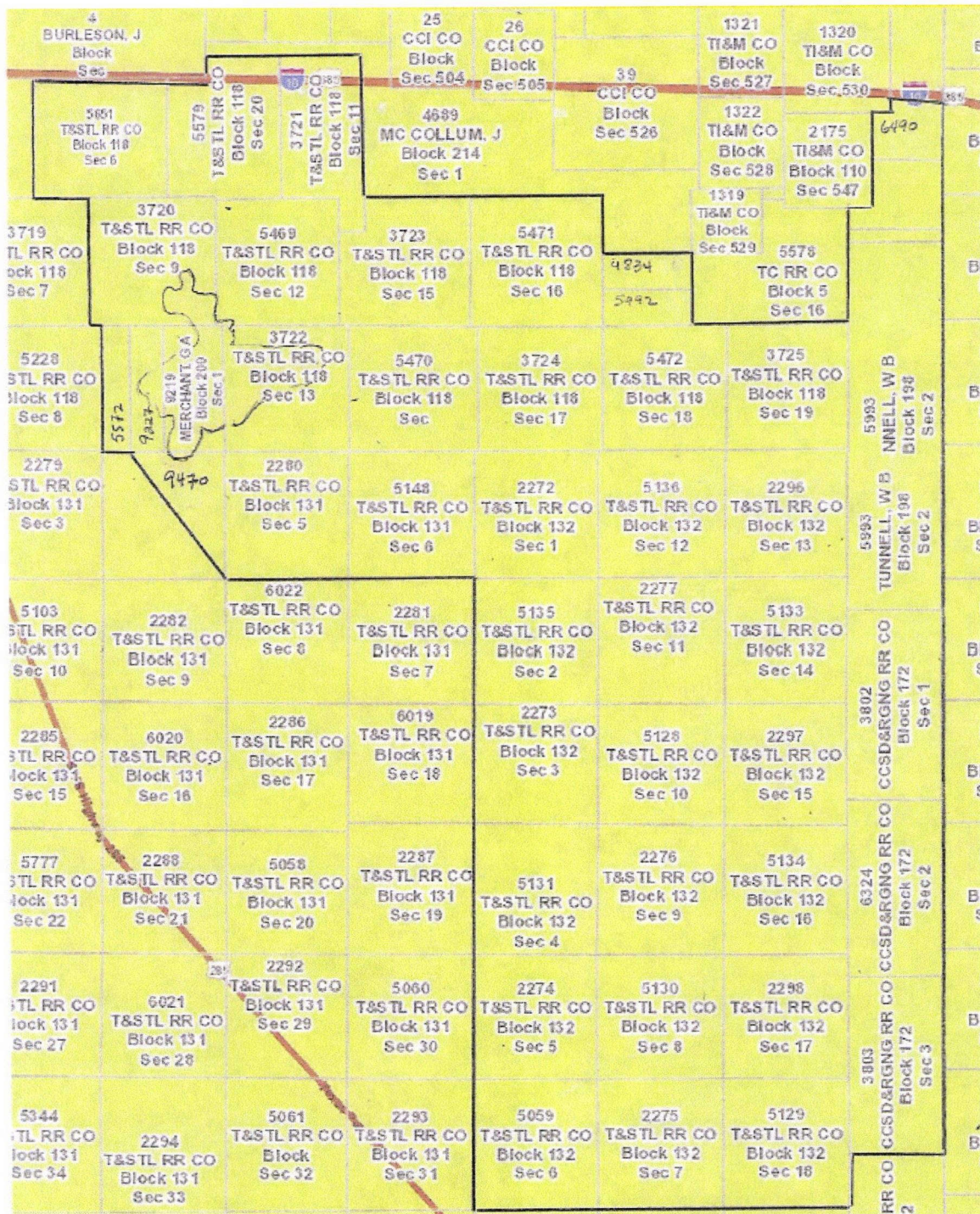
IS FIVE MILE MESA LOCATED ON WINFIELD RANCH?

Yes, it is shown below using Pecos County Appraisal District mapping.



IS AN OUTLINE OF WINFIELD RANCH SHOWN BELOW?

Yes, Winfield Ranch's 25,000 acres outlined below.

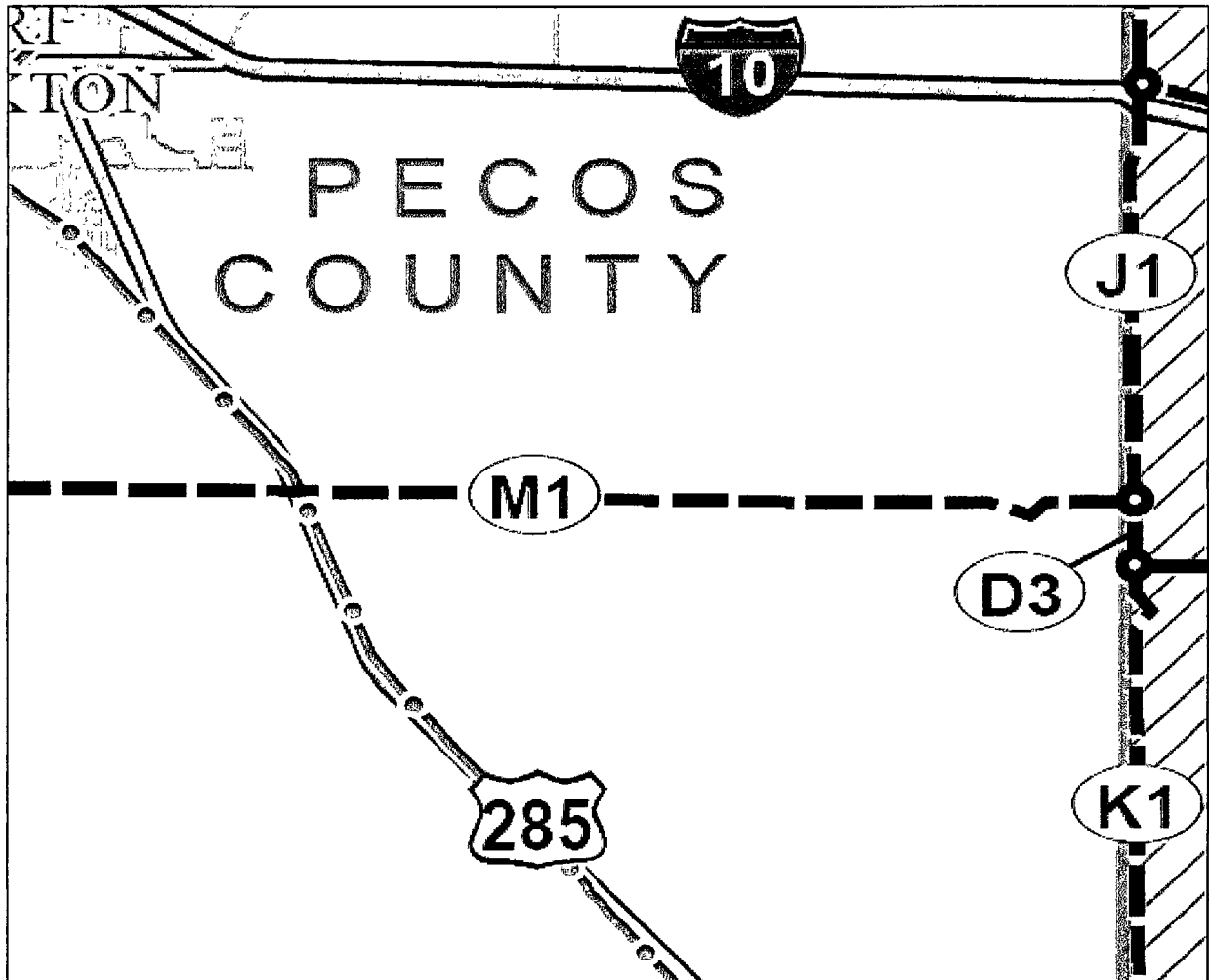


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1 **WHAT DOES THE NEXT MAP SHOW?**

- 2 The next map is part of LCRA/AEP's interactive mapping and shows some of the
3 overlay of some of the segments from the Proposed Routes.



4
5 **WHICH SEGMENTS AND ROUTES DO YOU OPPOSE?**

- 6 I oppose Segments M1, J1, K1 and D3 and Routes 10, 12-16, 19, 21, 22, and 25.

7 **WHICH ROUTE DO YOU SUPPORT?**

- 8 I support Route 24, which is what LCRA, AEP and the Texas Parks & Wildlife
9 support as well. Route 24 does not use Segments M1, J1, K1 or D3.

1 WHAT DO YOU UNDERSTAND TO BE THE PROJECT'S DESCRIPTION
2 GENERALLY?

3 Based on the Application, I understand LCRA and AEP plan to build a double-
4 circuit 345 kilovolt electric transmission line on steel lattice towers with heights
5 ranging from 110 to 185 feet above the ground. I understand the typical right of
6 way will be 150 feet in width.

7 DID YOU ENGAGE A ROUTING EXPERT TO ASSIST PETTUS CZAR,
8 LTD., IN THESE PROCEEDINGS?

9 Yes. MMSmithfield and Pettus Czar, Ltd. jointly engaged Mark Turnbough, Ph.D.

10 HOW DOES DR. TURNBOUGH, DESCRIBE SEGMENT M1?

11 He states, "Segment M1 ... significantly fragments open space on the Winfield Ranch for
12 a significant distance of approximately 4 miles on the east/west axis of the property. There
13 is no comparable or compatible linear feature that could be considered a valid parallel land
14 use. Segment M1 bisects the foothills of a very large mesa without any justification."

15 DO YOU AGREE WITH HIS DESCRIPTION AND STATEMENT THAT M1
16 BISECTS A VERY LARGE MESA WITHOUT ANY JUSTIFICATION?

17 Yes, I do.

18 WOULD YOU PLEASE DESCRIBE THE IMPACT THAT SEGMENT M1
19 WILL HAVE ON WINFIELD RANCH IN YOUR OWN WORDS?

20 Given the size of Winfield Ranch, it spans for many miles in many directions.
21 Segment M1 is particularly devastating. Segment M1 travels approximately four
22 miles across Winfield Ranch and appears to bisect Winfield Ranch at the foothills

1 of Five Mile Mesa. Given the topography of Winfield Ranch and the size of the
2 intended lattice towers, if built on Segment M1, the transmission line will be starkly
3 and heart-wrenchingly visible across Winfield's vast acreage. The serenity of
4 Winfield Ranch, its historic feel, and its panoramic views will be forever lost.

5 **IS THE CONSTRUCTION OF 110 to 185 FOOT LATTICE TOWERS ON**
6 **WINFIELD RANCH CONSISTENT WITH THE VALUES AND**
7 **PRACTICES OF WINFIELD RANCH?**

8 No, over the years, my family has diligently worked to prevent this type of intrusion.
9 For example, we have turned away wind turbine and electric distribution line
10 opportunities over the years. We have worked very hard to protect Winfield Ranch's
11 scenic views and rustic tranquility.

12 **WHAT IS THE IMPACT OF SEGMENTS J1, D3 AND K1?**

13 These Segments form essentially a straight line running north/south for
14 approximately 10.7 miles. Just as with Segment M1, use of these Segments would
15 also devastate Winfield Ranch's serenity and scenic views.

16 **III. ADOPTION OF DR. TURNBOUGH'S TESTIMONY.**

17 **WHAT IS DR. TURNBOUGH'S OPINION IN THESE PROCEEDINGS?**

18 Dr. Turnbough has provided direct testimony on behalf of MMSmithfield and Pettus
19 Czar, Ltd. His direct testimony supports the selection of Route 24. He also describes
20 several reasons why Segments M1, J1, D3 and K1 should be avoided given the
21 availability of more appropriate routes.

1 DO YOU ADOPT THE DIRECT TESTIMONY OF DR. TURNBOUGH AS
2 THOUGH IT WAS YOUR OWN AND ON BEHALF OF INTERVENOR
3 PETTUS CZAR, LTD.?

4 Yes, I do. I fully support and adopt it.

5 IV. ROUTING FACTORS.

6 IN ADDITION TO ADOPTING DR. TURNBOUGH'S ANALYSIS OF THE
7 ROUTING FACTORS, DO YOU HAVE ANY ADDITIONAL TESTIMONY
8 TO PROVIDE?

9 Yes, I do. I have some points to add regarding Community Values, paralleling
10 utility right of way (ROW), and aesthetics.

11 DO YOU CONTEND THAT ROUTE 24 REFLECTS THE COMMUNITY
12 VALUES OF THE STUDY AREA, AND IF SO, WHY?

13 Yes, according to LCRA and AEP's joint Application and Environmental
14 Assessment ("EA"), POWER Engineers evaluated the project for Community
15 Values. The EA states that while the term "Community Values" is not formally
16 defined in the PUC rules, PUC Staff, and PUC Commissioners have used the
17 following as a working definition: the term "Community Values" is defined as a
18 shared appreciation of an area or other natural resource by a national, regional, or
19 local community. Examples of a community resource would be a scenic vista.

20 I understand that input provided in public meeting or open houses helps
21 measure Community Values. Here, the third most important factor identified by the
22 public was "paralleling other existing utility ROW." I think this is very important

1 because Route 24 parallels existing transmission lines for over 70% of its length.
2 Additionally, Segments F and X received the most written positive comments,
3 followed by Segments M, R, W, Y, and L1. These seven Segments are the same
4 seven Segments that make up Route 24 in full.

5 **GIVEN THE APPLICATION AND THE EA, WHAT DO YOU CONTEND**
6 **REFLECTS COMMUNITY VALUES IN THIS PARTICULAR**
7 **PROCEEDING?**

8 I think LCRA and AEP have provided strong evidence that people in this
9 community, and in this study area, simply do not want new electric transmission
10 lines to impact areas with intact scenic vistas, and that, like me, they would prefer
11 that LCRA/AEP's transmission line to parallel other existing utility ROW that has
12 already fragmented land. Most notably, I believe that the community indicated a
13 preference for Route 24 based on the positive response for each of its component
14 segments. Those component segments are characterized by their high percentage of
15 paralleling utility ROW.

16 **DO YOU AGREE WITH THOSE COMMUNITY VALUES?**

17 Yes, I do.

18 **DO YOU CONTEND THAT SEGMENT M1 SHOULD BE AVOIDED?**

19 Yes, I do.

20 **WHY, AND IS YOUR POSITION CONSISTENT WITH COMMUNITY**
21 **VALUES EXPRESSED IN THESE PROCEEDINGS?**

1 I believe Segment M1 should be avoided because the Community Values reflected
2 in the questionnaire responses show that in these proceedings, the community does
3 not want to impact the scenic vistas in this otherwise transmission line-free area. I
4 think the community shares in my opposition to fragmenting otherwise tranquil and
5 unadulterated vistas with electric transmission lines, especially in such close
6 proximity to Five Mile Mesa.

7 **THE PUC'S SUBSTANTIVE RULE 16 TAC § 25.101 REQUIRES CCN**
8 **APPLICANTS LIKE LCRA AND AEP TO CONSIDER COMPATIBLE**
9 **RIGHT OF WAY SUCH AS EXISTING UTILITY ROW. DO YOU**
10 **UNDERSTAND THAT?**

11 Yes.

12 **THE EA STATES THAT, "IN GENERAL, LOCATING A TRANSMISSION**
13 **LINE ADJACENT TO EXISTING LINEAR CORRIDORS TYPICALLY**
14 **MINIMIZES ENVIRONMENTAL IMPACTS DUE TO EXISTING**
15 **ADJACENT DISTURBANCES, IMPROVED ACCESS, AND DECREASED**
16 **HABITAT FRAGMENTATION." DO YOU AGREE WITH THAT**
17 **ASSESSMENT?**

18 Yes, I do.

19 **DOES ROUTE 24 PROVIDE SIGNIFICANT OPPORTUNITY FOR**
20 **COMPLIANCE WITH 16 TAC § 25.101?**

21 Yes, Route 24 provides significant opportunity (over 70% of its length) to comply
22 with this rule, with the added effect of also supporting Community Values.

1 **DOES WINFIELD RANCH HAVE ANY TRANSMISSION LINES TO**
2 **PARALLEL?**

3 No, it does not.

4 **DOES SEGMENT M1 BISECT WINFIELD RANCH?**

5 Yes.

6 **WHY ARE YOU OPPOSED TO THE TRANSMISSION LINE BEING**
7 **CONSTRUCTED ON WINFIELD RANCH?**

8 I am deeply concerned about the impact this immense electric transmission line will
9 have on the use and enjoyment of Winfield Ranch. Mile-upon-mile construction of
10 345 kV lattice towers on my property will be jarring. The lattice towers will be on
11 unmistakable display, and of course, aesthetically devastating. The panoramic
12 views from Winfield Ranch will be lost forever.

13 **V. CONCLUSION.**

14 **ARE YOU ASKING THE ADMINISTRATIVE LAW JUDGES TO**
15 **RECOMMEND, AND THE PUBLIC UTILITY COMMISSION OF TEXAS**
16 **TO ORDER, ROUTE 24 AND OTHERWISE AVOID SEGMENTS M1, J1,**
17 **K1, AND D3?**

18 Yes, I am.

19 **DOES THIS CONCLUDE YOUR TESTIMONY?**

20 Yes. Thank you so very much.